

REMARKS

This paper is being presented in response to an official action dated April 1, 2005, wherein (a) the Office commented on priority; (b) claims 2-18 were objected to for informalities; and (c) an obviousness-type double patenting rejection was presented as to claims 1-33. In addition, regarding (d) information disclosure statements, two forms PTO-1449 were returned with fewer than all items of information initialed.

By the foregoing amendments, the cross reference to the parent application has been amended to include the issued patent number, and claims 2-18 now refer to films as antecedents. The scope of the claims has not been changed.

No new matter has been added and the amendments do not require an additional search. Claims 1-33 are now pending, and no fee is believed to be due.

The Commissioner is hereby authorized to charge any deficiency in connection with this Amendment, or any additional fees which may be required in connection with this Amendment, to Deposit Account No. 13-2855.

Entry of the amendments to claims 2-18, reconsideration of the rejected claims, allowance of all pending claims 1-33, and consideration of all items of information identified are respectfully requested in view of the following remarks.

(a) Priority

The official action notes that the application claims subject matter disclosed in prior application no. 10/367,050, filed February 14, 2003, and states that a reference to the prior application must be inserted as the first sentence of the specification of the application or in an application data sheet.

The Patent Office's attention is directed to page 1 of the pending specification, which includes a cross reference to the related application. All requirements of 37 C.F.R. § 1.78 are satisfied. Furthermore, the specification has been amended to indicate the patent number of the issued application.

(b) Claim Objection

Claims 2-18 were objected to for informalities. In view of the foregoing amendments, the objections can be withdrawn.

(c) Double Patenting

Claims 1-33 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-65 of U.S. Patent No. 6,821,590.

The applicants do not concede in the allegation that the present claims are obvious over the claims of the '590 patent. Nevertheless, the rejection should be withdrawn in view of the Terminal Disclaimer submitted herewith. The Terminal Disclaimer is accompanied by the fee under 37 C.F.R. §1.20(d).

(d) Information Disclosure

Forms PTO-1449 submitted with the Information Disclosure Statements submitted on February 11, 2004, and October 6, 2004, were returned with fewer than all of the cited pieces of information indicated as considered.

Regarding the IDS filed on February 11, 2004, the "other documents" cited were crossed out on Form PTO-1449 as "not supplied." However, the documents were previously submitted to the PTO in an IDS in compliance with 37 C.F.R. § 1.98(a)-(c), or cited by the PTO, in prior application no. 10/367,050, filed February 13, 2003, relied upon for an earlier effective filing date under 35 U.S.C. § 120, as stated in the IDS. See 37 C.F.R. § 1.98(d).

Regarding the IDS filed October 6, 2004, EP patent publication 0 407 301 was indicated as not supplied. Enclosed herewith is a copy of a postcard receipt stamped October 12, 2004, indicating that the PTO received the three foreign references in connection with the IDS. For the examiner's convenience, a duplicate copy of the publication is enclosed herewith. Furthermore, the ISR and Written Opinion for PCT/US04/04048 identified in the October 12, 2004, IDS were crossed out with the notation "no publication dates." It is respectfully submitted that no publication dates are required for the information identified, that the ISR was subsequently published on November 18, 2004, and that the Written Opinion was never published.

Clean Forms PTO-1449 are submitted herewith. Consideration of the information, as required by 37 C.F.R. § 1.97, is respectfully requested.

CONCLUSION

It is submitted that the application is in condition for immediate allowance.
Early and favorable action are requested.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to telephone the undersigned attorney at the indicated number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

May 3, 2005

By



Michael Muczynski (Reg. No. 48,642)
Attorney for Applicants
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
Phone: (312) 474-6300
Fax: (312) 474-0448